IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

Bail Appl..No. 6708 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.27568/2007 Dated 17/09/2007
CRIME NO.402/07 OF WADAKKANCHERRY POLICE STATION

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PETITIONERS/ACCUSED 1 & 2 (NOT IN CUSTODY)

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1. THANKAPPAN @ SANKARAN, S/O. KRISHNAN, AGED 68 YEARS, KONIPPARAMBIL HOUSE, MUNDATHICODE WEST P.O., THRISSUR, PIN-680 623.

2. SANTHA, W/O. THANKAPPAN, AGED 48 YEARS, KONIPPARAMBIL HOUSE, MUNDATHICODE WEST P.O., THRISSUR, PIN-680 623.

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENTS:

STATE OF KERALA/SUB INSPECTOR OF POLICE, WADAKKANCHERRY POLICE STATION, WADAKKANCHERRY, THRISSUR DISTRICT, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 6708 OF 2007

Dated this the 5th day of November, 2007

ORDER

Application for anticipatory bail. Petitioners 1 and 2 are the father and step mother of the husband of the de facto complainant. No allegations are raised against the husband of the de facto complainant. The crux of the allegations is that the petitioners are guilty of matrimonial cruelty of the culpable variety against the de facto complainant. The crime has been registered on the basis of a complaint filed by the de facto complainant. The complaint was referred to the police under Sec.156(3) of the Cr.P.C. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioner submits that ever since the 1st petitioner married the 2nd petitioner, his son – the husband of the de facto complainant, has been on inimical

terms with the petitioners and the present complaint is only a continuation of that animosity. The de facto complainant is only a name lender for her husband in his scheme to vex and harass the petitioners. In these circumstances, it is prayed that anticipatory bail may be granted to the petitioners.

3. Notice was given. The learned Public Prosecutor does not oppose the said prayer. I am satisfied, in the facts and circumstances of this case, that the petitioners can be granted anticipatory bail. In the absence of opposition, I am not adverting to the facts in any greater detail in this order.

4. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioners shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 12/11/07. They shall be released on regular bail on their executing bonds for Rs.25,000/- each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 13/11/07 and thereafter as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioners do not appear before the learned

Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if these directions were not issued at all;

(iv) If the petitioners were arrested prior to their surrender on 12/11/07 as directed in clause (i) above, they shall be released on their executing bonds for Rs.25,000/- each without any sureties undertaking to appear before the learned Magistrate on 12/11/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge